

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ILLINOIS UNION INSURANCE
COMPANY, et al.,

Plaintiffs,

v.

INTUITIVE SURGICAL, INC.,

Defendant.

Case Nos. 13-cv-04863-JST; 13-cv-5801-
JST; 15-cv-4834-JST

CASE MANAGEMENT ORDER

AND CONSOLIDATED CASES

Yesterday the Court conducted a case management conference concerning the scheduling of the trial or trials in these consolidated cases. Having carefully considered both the parties' case management statements, ECF Nos. 106 & 107, and their arguments at the conference, the Court believes that further briefing is required before the Court can set a case schedule. Accordingly, the parties are hereby ordered to brief the following issue: Does Intuitive Surgical have a right to a jury trial under the Seventh Amendment of the United States Constitution regarding its breach of contract claim, which right would require the Court to schedule a trial on Intuitive Surgical's breach of contract claim prior to or simultaneously with a bench trial on the insurers' rescission claims?

Intuitive Surgical shall file an opening brief not to exceed 15 pages within seven court days of this order. The insurers shall file a single joint response brief not to exceed 15 pages within

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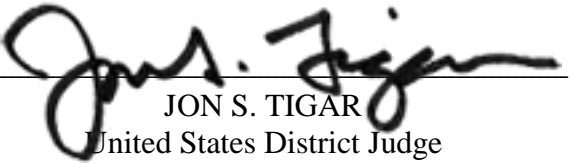
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seven court days of Intuitive's brief. Intuitive will then have three court days to file a reply brief not to exceed 5 pages.

IT IS SO ORDERED.

Dated: January 21, 2016


JON S. TIGAR
United States District Judge

United States District Court
Northern District of California